

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

ATTORNEY'S DOCKET NUMBER

A-9720

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

107549922

## TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.  
PCT/AU2004/000292INTERNATIONAL FILING DATE  
9 March 2004 (09.03.2004)PRIORITY DATE CLAIMED  
24 March 2003 (24.03.2003)TITLE OF INVENTION  
A SMOKER'S POUCHAPPLICANT(S) FOR DO/EO/US  
WRIGHT, Liam, Cole

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☐ Other items or information:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |  |            |   |          |
|--|--------------|--|------------|---|----------|
| U.S. APPLICATION NO. <b>1075499221</b>   |              | INTERNATIONAL APPLICATION NO. <b>PCT/AU2004/000292</b>                 |            | ATTORNEY'S DOCKET NUMBER<br><b>A-9720</b> |          |
| The following fees are submitted:  |              |  |            | CALCULATIONS PTO USE                      |          |
| 24. <input checked="" type="checkbox"/> Basic national fee   |              | \$300  |            | \$  | \$300.00 |
| 25. <input checked="" type="checkbox"/> Examination fee  |              |  |            |   |          |
| If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).  |              | \$100  |            | \$  | \$200.00 |
| All other situations.  |              | \$200  |            |   |          |
| 26. <input checked="" type="checkbox"/> Search fee   |              |  |            |   |          |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority  |              | \$100  |            |   |          |
| International Search Report prepared and provided to the Office  |              | \$400  |            | \$  | \$400.00 |
| All other situations.  |              | \$500  |            | \$  | \$900.00 |
| TOTAL OF 24, 25 and 26 =   |              |  |            | \$  | \$900.00 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. |              |  |            |   |          |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE       |   |          |
| - 100 =  | 0 /50 =      | 0  | x \$250.00 | \$  | \$0.00   |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |            | \$  |          |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE       |   |          |
| Total claims   | 3 - 20 =     | 0  | x \$50.00  | \$  | \$0.00   |
| Independent claims   | 1 - 3 =      | 0  | x \$200.00 | \$  | \$0.00   |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |  |            | \$  | \$0.00   |
| TOTAL OF ABOVE CALCULATIONS =  |              |  |            | \$  | \$900.00 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |            | \$  | \$450.00 |
| SUBTOTAL =   |              |  |            | \$  | \$450.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |            | \$  | \$0.00   |
| TOTAL NATIONAL FEE =   |              |  |            | \$  | \$450.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |            | \$  | \$0.00   |
| TOTAL FEES ENCLOSED =  |              |  |            | \$  | \$450.00 |
|  |              |  |            | Amount to be                              | \$       |
|  |              |  |            | Amount to be                              | \$       |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>\$450.00</b> to cover the above fees is enclosed.  |              |  |            |   |          |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.   |              |  |            |   |          |
| c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>08-2455</b> . A duplicate copy of this sheet is enclosed.                                |              |  |            |   |          |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.                      |              |  |            |   |          |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.   |              |  |            |   |          |
| SEND ALL CORRESPONDENCE TO:  |              |  |            |   |          |
| Martin P. Hoffman  |              |  |            |   |          |
| HOFFMAN, WASSON & GITLER, P.C.   |              |  |            |   |          |
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| (703) 415-0100   |              |  |            |   |          |
|  |              |  |            | SIGNATURE                                 |          |
|  |              |  |            | Martin P. Hoffman                         |          |
|  |              |  |            | NAME                                      |          |
|  |              |  |            | 22,261                                    |          |
|  |              |  |            | REGISTRATION NUMBER                       |          |